

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

SUPREME CT. CASE NO.: 05-555

INQUIRY CONCERNING
JUDGE JOHN R. SLOOP; JQC
NO.: 04-455

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THE DEPOSITION OF
JUDGE RALPH E. ERIKSSON

REPORTED BY:
JUNE M. BUFFORD, RPR
In the Office of:
Criminal Justice Center
4th Floor
Sanford, Florida
May 10, 2005
At 5:00 p.m.

APPEARANCES:

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Special Counsel for Florida JQC

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Also present: Judge John R. Sloop

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1	I N D E X	
2	TRANSCRIPT OF PROCEEDINGS	
3	Deposition held May 10, 2005	
4		
5		
6	TESTIMONY OF RALPH E. ERIKSSON	
7	Direct Examination by Ms. Ross	3
8	Cross-Examination by Mr. Lubet	38
9	CERTIFICATE OF OATH	40
10	CERTIFICATE OF REPORTER	41
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
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1 WHEREUPON:
2 The following proceedings were had:
3 RALPH E. ERIKSSON

4 having been first duly sworn, was examined and deposed as
5 follows:

6 DIRECT EXAMINATION

7 BY MS. ROSS:

8 Q Would you state your name, please.

9 A Ralph E. Eriksson.

10 Q And what is your occupation?

11 A I'm a county judge in Seminole County,
12 Florida.

13 Q How long have you been a county judge in
14 Seminole County, Florida?

15 A Ten years, three months -- no, four months and
16 I guess ten days or so.

17 Q But who's counting?

18 A Right. I'm not.

19 Q Elected or appointed?

20 A I was elected the first time to a four-year
21 term. I was, nobody wanted the job the second time so I
22 was unopposed for a six-year term. And I had just,
23 beginning of this year started again an unopposed
24 six-year term. Nobody wants the job, but me, I guess.

25 Q Or nobody wants to run against you, which is a

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1 whole nother matter.

2 Before you were elected to county court, what
3 was your professional background as an attorney?

4 A I graduated from law school in 1972. I
5 practiced law in the private sector for, well, until the
6 Christmas season of '73. And I joined the State

7 Attorney in Seminole County, Florida, in January of '74.
8 And I stayed working there until right at July 1 of '94,
9 give or take a week. I can't tell you exactly what my
10 resignation date was, but right around then and that was
11 about the same time that I filed to run for county
12 judge.

13 Q So approximately twenty years as a prosecutor?

14 A I believe it's twenty years, six months, give
15 or take a week.

16 Q And were you assigned any particular division?

17 A I did them all while I was there.

18 Q So you've done misdemeanors, you've done
19 felonies, traffic, everything?

20 A Absolutely.

21 Q At the time that you left the State Attorney's
22 office in 1994, what was your position?

23 A I was an assistant state attorney. I was
24 trying cases, felonies.

25 Q So you were in the felony division?

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1 A Uh-huh.

2 Q Okay. When you were elected to county court in
3 Seminole County, was Judge Sloop already on the bench?

4 A Yes.

5 Q And did he provide you any assistance in terms
6 of mentoring?

7 A In terms of?

8 Q Mentoring.

9 A Oh.

10 Q As a mentor judge?
11 A I thought you said mandatory.
12 Q No, no.
13 A Well, he was not my mentor judge. Yeah, I'm
14 sure that I did ask him a couple of times about
15 different things, yes.
16 Q Okay. Who was your mentor judge?
17 A I think it was Judge Marblestone. I can't
18 swear to it. I think. Pretty sure.
19 Q Goes back a long time?
20 A Pretty sure it was.
21 Q Okay. In your courtroom, are there cameras?
22 A Are there cameras?
23 Q Yeah. Not cameras. I'm sorry. Is there a
24 videotaping system?
25 A Right now?

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1 Q Yes.
2 A Yes, as far as I'm aware. Supposed to be.
3 Q Okay. Let me restate this. Okay. Back in
4 your other courtroom, the other courthouse, was there a
5 videotaping system?
6 A I believe there was. I'm thinking of the
7 courtrooms. If I'm sitting on the bench in Courtroom A
8 I believe that the monitor up in the left corner over my
9 left shoulder was a tape recorder, video. Trying to
10 think about Courtroom E, Courtroom H and Courtroom F,
11 the four rooms that we used. We had video in all of
12 them. I'm sorry. We had audio in all of them.

13 Q well, let's switch to here because it's more
14 important.

15 A And I think I recall seeing video, I'm thinking
16 in terms of playback in H. Right now I can't tell you
17 about F or E, but I'm pretty sure E had it.

18 Q Okay. In the current courthouse, all of the
19 county court judges have audio/video equipment in the
20 courtrooms, do they not?

21 A Yes.

22 Q Okay.

23 A Because there's a screen on your desk that if
24 you turn it on, I don't very often, it shows what's
25 being videoed and audioed.

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1 Q Do you understand there are two separate
2 systems, one from the sheriff's office and one from the
3 clerk's office?

4 A I know the sheriff has something up there. I'm
5 not exactly sure where it is in all courtrooms, but it's
6 my understanding the sheriff has theirs and court
7 administration and the court has ours. And that we're
8 responsible that ours works and is being recorded.
9 Whatever the sheriff has is like, I don't know if you
10 want to call it eavesdropping or security, but we have
11 no control or anything, but I understand the sheriff,
12 yes.

13 Q But with regard to the one I will refer to as
14 the court clerk's, that would be court administration's
15 equipment?

16 A Yes.
17 Q Have you ever directed the court clerk to turn
18 off the video or audio tapes while court was in session?
19 A Not unless court's over.
20 Q And have you ever seen any other judge direct
21 the court clerks to turn off the video or audio
22 equipment while court was in session?
23 A I saw a judge when I was a prosecutor do it.
24 I'll never forget it.
25 Q why?

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1 A Because of what he said.
2 Q And he didn't want it on the record?
3 A He sure didn't. I can tell what you he said, I
4 can tell you who it was.
5 Q Go right ahead.
6 A All right. It was in the juvenile court, it
7 was right across the street and it would have been
8 approximately, it would have been either 1999, '91, '92
9 or '93, and it was Judge Leonard Wood, and we were doing
10 detention hearings right after lunch between one and two
11 o'clock, and a young man, a juvenile had been arrested.
12 I think he had done a friendly car theft from his
13 neighbor or he had broken into the car, but it wasn't
14 violent, it was a property crime.
15 And, finally, his father came to his detention
16 hearing. In effect his father said, well, I got a call,
17 found out this is where he is. I hadn't really seen him
18 in a year or two. Problems with his mom and custody and

19 I almost didn't know where he was. I'm here and I'd
20 like to get involved in his life, etcetera.

21 And Judge Wood, after a little bit, he says to
22 the clerk, turn that thing off. And he says, young man,
23 here's what should happen. Your dad should take you out
24 in the woods so far that the do-gooders at the HRS
25 couldn't hear you and he ought to just take his belt off

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1 and whip you till you realize what the law means and
2 that would bring you back to reality.

3 Q And that's the only time that you've ever seen
4 that happen before because the judge obviously didn't
5 want those remarks on the record, but he was giving his
6 dad a message?

7 A He did direct the court reporter a couple times
8 to turn it off. I can't remember what was said. I tell
9 you if I was involved, but, yeah, he did it from time to
10 time.

11 Q Does turning the recorder off to you generally
12 signify that somebody doesn't want something to be on
13 the record?

14 A Well, yeah, but there's no such thing as off
15 the record in a juvenile case or a criminal case as I
16 understand the rule.

17 Q I understand that. But as somebody who
18 presides over these proceedings.

19 A Right.

20 Q The record that you have, there's no court
21 reporter sitting there in county court proceedings

22 unless somebody orders one, correct?

23 A Correct.

24 Q So the record of what transpires in county
25 court is the audio visual system?

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1 A That's my understanding.

2 Q And, therefore, the only way to keep a record
3 of what's going on in that courtroom is through that
4 audio visual system? Unless somebody specifically goes
5 out of their way to order a court reporter?

6 A Generally that's correct. And it would be true
7 in all cases except for traffic tickets. Traffic
8 tickets are, well, I'm not going to say a hybrid, I'm
9 not going to say a gray area, I'm talking about
10 non-criminal infractions, those under judicial
11 administration do not need to be recorded, but a person
12 can record. They don't need to have a court reporter,
13 they can just walk in, turn on a tape recorder and at
14 the end of the hearing say, here's my recording, I
15 want it filed with the clerk, and then they have a
16 record.

17 (Whereupon, a discussion was had off record.)

18 BY MS. ROSS:

19 Q Okay. Tell me what happened, how you first
20 became aware of what was going on in Judge Sloop's
21 courtroom on December 3rd, 2004?

22 A Actually I guess you could say I'm the cause of
23 it all. Here's what I know. Judge Sloop and I, well,
24 first, we have five county judges and we all worked on a

25 five-week rotation, are you aware of that?

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1 Q Yes.

2 A All right. I followed Judge Sloop in the
3 rotation. So what we did was, I always refer to it as a
4 duty station, we did different functions for a whole
5 week at a time. Okay. I always followed Judge Sloop,
6 and so whenever I was doing what we call a pretrial
7 conference week which ends with non-criminal traffic
8 tickets on Friday morning, John's in the next room doing
9 arraignments for the whole week.

10 So on that particular Friday, he's in Courtroom
11 1A and I'm in Courtroom 1B, and we're right next to each
12 other and I think this may have been the second go
13 around in the new building. I think it's probably the
14 second time I had done that function.

15 And what happened was we both started at nine,
16 basically everything in county court always starts about
17 nine, and so he's doing arraignments over there, I mean,
18 I'm not monitoring, don't have a window, but I just know
19 what they do over there, and I'm doing traffic tickets.
20 These are people that have run a red light, speeding,
21 non-criminal and I'm going through them, having my
22 hearings, and about eleven o'clock or so I realized on
23 my docket I've only got one case left, but I got way too
24 many people in my courtroom.

25 And so I kind of said, hold on everybody. Let

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1 me make sure that everybody is in the right courtroom.
2 I'd like everybody that was scheduled to be here in the
3 courthouse to stand up and I'm going to go through you
4 one at a time to make sure you're in the right
5 courtroom.

6 So the people stood up and I went around the
7 room, your name please, whatever they said. why did you
8 come to the courthouse today. I have a, whatever they
9 said. I could tell, well, that sounds like criminal
10 traffic, which is what would be in the next courtroom,
11 some criminal misdemeanor, some criminal traffic. And
12 as I went around the room, I was saying, well, you need
13 to be in the next one. Just go out the door, turn right
14 and the very next door go in there.

15 And I was also inquiring at the same time, now,
16 how was it that you got into this courtroom. Got a
17 problem, see if we can alleviate it in the future.

18 well, what I found was some of the people came
19 to 1B instead of 1A because the officer out in the field
20 that had given them the ticket and some of the, all of
21 what would come to my courtroom would be non-arrests,
22 and some, could be all, but certainly some of what would
23 come to Judge Sloop's courtroom would be non-arrests,
24 given a ticket, here's your return date.

25 well, what I found was some of these people had

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1 a return on their ticket, the face of their ticket that

2 said 1B. And so the officer was returning them to the
3 wrong courtroom.

4 Q So some of the tickets when you went around the
5 room directed people to the wrong courtroom which was
6 the courtroom that you were in?

7 A Yes.

8 Q They were supposed to be appearing in front of
9 Judge Sloop in 1A, and, in fact, they were returnable to
10 1B?

11 A That's correct. Down at the bottom of the
12 ticket it would say, Seminole County Court. And, see,
13 traditionally until we moved to this courthouse for
14 years and years and years and years, it was Courtroom F,
15 nine o'clock, downtown Sanford. It's always F. And
16 with the shift to this new courthouse, some of the
17 officers just got it wrong, whether it was going to be
18 1A or 1B.

19 So some of the tickets, and I sort of had my
20 bailiff go out to the audience and if the people
21 couldn't see where to look on the ticket they could look
22 at it and kind of tell. So some of them had come into
23 the wrong courtroom because the officer moved them into
24 the wrong courtroom.

25 Some of them came to the courthouse, and on

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1 traffic ticket morning, the officers gather, lots of
2 them, just outside the courtroom and some of them came
3 and said they saw the officer that wrote them the
4 ticket.

5 Q Uh-huh.

6 A And said, hey, how you doing. What courtroom
7 are we in. And the officer, said, well, I'm in this one
8 here, I'm in 1B, which would have been with Judge
9 Eriksson. And what was really happening is the officer
10 did not know that that person is coming to the
11 courthouse -- I'm sorry. The person did not know that
12 the officer coming to the courthouse is there for a
13 trial on a different kind of ticket for a different
14 person. That officer is not there for the arraignment
15 that that person is showing up on. So when the officer
16 said, well, I'm in here, tickets are in 1B, he was not
17 answering the question that the person should have been
18 asking. See what I mean?

19 Q So if I understand correctly, there were two
20 types of mistakes basically, either deputies wrote,
21 based on the new courthouse, deputies wrote the wrong
22 courtroom on the criminal tickets which misdirected
23 people to your courtroom rather than Judge Sloop's?

24 A Yes.

25 Q Or when the people arrived at the courthouse

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1 and they saw an officer there who they recognized as
2 being their ticketing officer, they assumed, or they
3 asked that person where am I supposed to go and the
4 officer sent them to the wrong courtroom?

5 A Yes.

6 Q But in either instance, those people who are
7 members of the public were relying on the deputies to

8 tell them which place they were supposed to be going to
9 and they were sent to the wrong place?

10 A Well, yes, except I think if I remember right,
11 there may have been one or two that had been given the
12 wrong courtroom by the clerk on some kind of
13 notification.

14 Q So let me restate it to add that third
15 possibility, and there was a third type of mistake that
16 was made and that the clerk's office may have actually
17 given the wrong courtroom number?

18 A Yes. And, fourth, some person that had a
19 ticket, came to the courthouse, didn't necessarily see
20 the officer or the agency that wrote them their ticket
21 didn't know to go down to the clerk's office to find
22 out, but asked people, they either held up the ticket,
23 sometimes you can't read their copy, or said I'm here
24 for a traffic ticket, where do I go. And somebody,
25 maybe a new bailiff or something at the front door or

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1 who knows, here, tickets are down there this morning.
2 And they would have pointed --

3 Q To Courtroom 1B.

4 A Well, I'm thinking. I never go out to that
5 part of the courtroom much. Anyway, they would have all
6 entered this way and they would have been pointed this
7 way and it's just a question of whether they wander into
8 1A or 1B. It's not like they come in between the two,
9 you this way or that way.

10 Q They would have been directed down the hallway

11 and then it was up to the people to figure it out?

12 A Yeah.

13 Q But in any event, all of those mistakes were
14 readily understandable because it was a new courthouse.
15 And, in fact, the deputies were under instructions from
16 the administrative judge, Judge Herr, basically to write
17 tickets to return at Courtroom 1 in the building, the
18 new building and these are the two memos that Judge Herr
19 identified with regard to criminal misdemeanors.

20 A Uh-huh. That looks like it.

21 Q And you'd agree with me, all of these things
22 were readily understandable given the fact that the new
23 courthouse where instruction had been given and the
24 deputies were under instruction to give general
25 descriptions?

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1 A All of the way that the people wandered into my
2 courtroom, wrong, I understood because I had seen it
3 before downtown.

4 Q And you'd seen -- and mistakes happen?

5 A Absolutely.

6 Q Now, when you went around the courtroom and you
7 had your deputy look at some of the paperwork, the
8 deputy, your deputy was Mr. Hartman, Deputy Hartman?

9 A Yeah.

10 Q John Hartman?

11 A Yeah.

12 Q And he looked at some of the paperwork for
13 you?

14 A I'm pretty positive I had him look at some to
15 help to read, but I was the one that told them, next
16 door, go out and go next door.

17 Q Okay. And that was at the conclusion of your
18 calendar with just one left to go?

19 A With one to go.

20 Q One to go. So approximately ten forty-five,
21 eleven a.m., maybe a little bit later?

22 A Yeah. Yeah. I had one more hearing and it was
23 very brief because it was a lawyer, it was a motorist,
24 no cop, and so it was dismissed. Didn't take very long,
25 and that wrapped it up right at about eleven, I think.

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1 Q Okay. What did you tell, did you tell the
2 people in mass that they basically needed to go to Judge
3 Sloop's courtroom --

4 A No.

5 Q -- which was the courtroom over?

6 A No.

7 Q What did you tell them?

8 A I told each individually because I didn't find
9 out about a person and figure out where they need to go
10 and say, you just sit still or hold on, as I did each
11 one, and I tried to give them a little PR about, well,
12 here's how you ended up getting here wrong once they
13 told me what -- I sent each of them individually.
14 Didn't send them in mass.

15 Q Okay. So as you looked at each one or heard
16 each one's situation, you said, you're in the wrong

17 courtroom, you need to go over to 1A?

18 A Go right out that door, go right around to the
19 right, go over to 1A.

20 Q Okay. And did your bailiff -- strike that.

21 Did your deputy sheriff, John Hartman, go with
22 them?

23 A I don't know. I don't know if he left my
24 courtroom. He may have. I don't know. There may have
25 been another, somebody out in the hall. I don't know.

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1 I wouldn't doubt that he would have gone at least to
2 show somebody, but I can't tell you. Don't know.

3 Q Okay. Now, when was the next, when was the
4 first time that you heard there was a problem after
5 those people had left your courtroom and gone to Judge
6 Sloop's courtroom?

7 A Okay. I finished up my traffic tickets,
8 eleven, eleven-fifteen something like that, that last
9 one. Picked up what would have been on the bench. I
10 may have had one or two no show tickets to tell the
11 clerk something.

12 I stepped out back of 1B, and out back of 1B is
13 where 1B and 1A, we share an elevator to go back up to
14 our office. And I saw Olly, Judge Sloop's bailiff,
15 and . . . you want me to just tell you how I found out?

16 Okay. I said, Olly, I'm sorry we didn't
17 discover those people sooner, get them over there to you
18 sooner. Hope it didn't delay, doesn't delay you all too
19 much. Something just like that. I remember I

20 apologized for not finding out sooner and I hope it
21 didn't slow you down, or you all take care of it and
22 all.

23 And she said, well, Judge Sloop's off the
24 bench. He's done. And I said, well, what are you all
25 going to do. She said, he's issued warrants. And I

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1 said he has? John Hartman came out of that courtroom,
2 and he shook his head yes.

3 So I went to go up the elevator and just as I
4 did, I saw half a dozen deputies come around from back
5 in the interior of the courthouse and they walked down
6 behind 1A and 1B, toward 1B and I went up my elevator.

7 Q Did you say to one of those deputies, please
8 tell me you're not going to Courtroom 1A to serve the
9 warrants?

10 A I sure did.

11 Q And do you recall who you made that comment to?

12 A No, I don't. But the way that they came
13 walking --

14 Q You knew what they were coming for.

15 A -- the expressions on their face, I thought, oh
16 goodness. Oh, goodness. Yes, I did. I said either
17 those exact or awfully, awfully close, yeah. It may
18 have been to Sam Belfiore. I can't swear, but I believe
19 he was one of them.

20 Q What kind of looks did they have on their face
21 that made you --

22 A Pallbearers.

23 Q Now, when you saw Olly before that, when Olly
24 said that Judge Sloop was gone, did she also tell you he
25 wouldn't be seeing them, he wouldn't be seeing the

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1 people you sent over?

2 A She said something along those lines that gave
3 me that impression. But if those were the words,
4 something like he wasn't going to be coming back to
5 court. I can't tell you exactly what it was because she
6 said that before I saw the deputies. That's what caused
7 me to say what I said.

8 Q Okay. Now, when you ask, please tell me you're
9 not going to Courtroom 1A to serve the warrants, what
10 were you told?

11 A I got like a nod of a head or a yes, we are. I
12 didn't get some sentence, I just got like an
13 affirmative. And I'm not sure if it was a nod of the
14 head or yes, something like that.

15 Q Okay.

16 A Didn't get a sentence.

17 Q What did you do next?

18 A I went upstairs and probably put my paperwork
19 down, if I had a little bit of it. I talked to Judge
20 Herr, but I don't know what passage of time, but I do
21 know it was prior to twelve o'clock. That's what I did
22 next.

23 Q Was your comment, you won't believe what Judge
24 Sloop has done?

25 A Something like that, yes.

1 Q Did you find it very hard to believe?

2 A How do I put it. It's not so much what he has
3 done, it's what he did, it was like a perfect storm. Do
4 you understand that concept?

5 Q Absolutely.

6 A All right. It was that. And so his was the
7 icing on the cake, so to speak. He's the glue that held
8 it all together or his action was the catalyst that made
9 it all come out bad or wrong or not happy, put it that
10 way. I'm not going to say bad or wrong, but not good,
11 not happy, yeah. I think that may have been the first
12 thing I said to Judge Herr.

13 Q And did you and Judge Herr try to reach Judge
14 Perry next?

15 A He did. I believe I said to him, you know, we
16 talked about it for a second or two I guess and I said,
17 probably ought to give Judge Perry a heads up on this,
18 or call him and just let him know. And so Judge Herr,
19 we were in Judge Herr's office. He and I have a suite
20 just like this.

21 Q Right.

22 A I'm down there, he's down there.

23 Q When you say down there, you're talking about
24 opposite ends of the same room?

25 A Yeah. Just like what we're in. And we were in

1 his. He was at his desk and I was just sitting in one
2 of the little chairs there. And so he tried to call
3 down to Judge Perry just to let him know what's going
4 on.

5 Q Was he successful in reaching Judge Perry?

6 A Couldn't reach Judge Perry, could not reach his
7 J.A., could not get anybody to answer, but it was prior
8 to twelve o'clock, I know that.

9 Q At twelve o'clock, you two went to lunch?

10 A Give or take five minutes, yeah.

11 Q What did you discuss?

12 A well, this isn't going to be good in any
13 respect, whether it's right, it's wrong, and to try to
14 just let Judge Perry know again. And Judge Herr went
15 out in the front of the little restaurant down the
16 street here at Vivona's and he used his cell phone, and
17 he tried to call again some time during our lunch and
18 didn't get through.

19 Q When you say he tried to call again, you're
20 talking about the chief judge?

21 A Yeah. He tried to call. Now, whether he tried
22 to call just the chief judge, the chief judge, his J.A.
23 to reach the chief judge and he may have, I think he
24 said he had a cell phone for him, a number, but I don't
25 know, but Judge Herr had a cell phone. He was standing

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1 out by the curb on the sidewalk.

2 Q But he was unsuccessful in reaching anybody?

3 A Couldn't reach anybody. But he said somehow he
4 had found out or he knew that somebody was over in
5 Titusville, like at a going away luncheon, seasonal
6 luncheon, a let's-get-together-once-a-year-and-have-a-
7 happy-you're-doing-good luncheon. I don't know exactly
8 what, but they were all at a luncheon. He and court
9 administration from Brevard and I don't know who all
10 else, but that's what we came to understand.

11 Q Okay. Did you and Judge Herr decide on a
12 course of action during lunch when you were unsuccessful
13 in reaching the chief judge?

14 A I believe it was just, he was just going to
15 call again when we got back here.

16 Q Okay. Did the two of you try to go see Judge
17 Sloop when you got back?

18 A Yes. And we did.

19 Q Okay. Now, before we get to your discussion
20 with Judge Sloop, at any time before you went to lunch,
21 did you hear from your deputy bailiff, your bailiff,
22 your deputy, John Hartman, that he had actually seen
23 Judge Sloop and told him that the people had been in
24 your courtroom the entire time?

25 A I don't think, I don't think he told, John

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1 Hartman told me that. I do know that John Hartman, when
2 I talked to Olly, came out of Judge Sloop's courtroom,
3 he said something, but I don't know what it was.

4 Q You indicated that he nodded that they had been

5 arrested when, or that he had issued warrants for the
6 arrest?

7 A Warrants, I think.

8 Q Right. But he had not notified you or talked
9 to you about the fact that he had already broached the
10 subject to Judge Sloop and told him these people had
11 been in your courtroom the whole time?

12 A I can't say if he did or if he didn't.

13 Q Now, when you saw Judge Sloop approximately
14 one, one-thirty, that time frame?

15 A Probably about one-fifteen.

16 Q Okay.

17 A One-ten. One to one-fifteen.

18 Q When you saw him where was he?

19 A He was in what we call the, I'm trying to think
20 of what we actually call it here because I don't use it.
21 It's where the judge does video first appearances. It's
22 on the third floor. It's in the Court Reporter's office
23 I guess you'd call it.

24 Q Okay. And what did you tell him?

25 A I don't think I told him anything. I think

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26

1 Judge Herr talked to him.

2 Q And what did Judge Herr say?

3 A I think he just inquired about the people from
4 arraignments generally. There wasn't too much
5 discussion.

6 Q Well, did Judge Herr say to Judge Sloop, do you
7 really want to have these people arrested or something

8 like that?

9 A He had some conversation about, there wasn't a
10 whole lot, but something about are you sure this is what
11 you want to do. But that was about it. I don't think I
12 did any of the talking.

13 Q And was Judge Sloop's response, they were due
14 in court, it was their responsibility to get to the
15 right courtroom, they weren't there?

16 A Something like that.

17 Q Is that as close as you can recall?

18 A Yes.

19 Q Do you know how many people had told Judge
20 Sloop at that point that they were in your courtroom
21 that morning?

22 A No. The only person that I know had told Judge
23 Sloop was right then when Judge Herr said that.

24 Q Like I said, you don't know whether --

25 A No.

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27

1 Q -- Olly Csisko had already told him, whether
2 John Hartman had already told, and whether there had
3 been a phone call from Maryann -- to Maryann --

4 A Maryann?

5 Q Maryann, Judge Herr's J.A. --

6 A No, I don't know anything about Maryann.

7 Q -- while Judge Sloop was with Judge Herr?

8 A No. I didn't know anything about a Maryann
9 call.

10 Q So you weren't aware of any of that if, in

11 fact, that took place at the time you heard Judge Herr
12 inquire of Judge Sloop, do you want to do this?

13 A Correct. I know none of that.

14 Q But Judge Sloop's response was, it was
15 basically these people's responsibility to get to the
16 right courtroom?

17 A Yes. It wasn't flippant, it wasn't rude, it
18 was just a matter of fact statement.

19 Q That's my point. This was not something that
20 was cursory, this was deliberate in terms of thoughtful
21 response?

22 A It was just a statement he made.

23 Q Did he appear to be upset in any way?

24 A No.

25 Q Did he appear to be irritable in any way?

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28

1 A No.

2 Q Have any trouble concentrating in any way?

3 A No. He was just up there to read the files for
4 first appearance as far as I knew.

5 Q Did you see any difference in the way he acted
6 on that day than you'd ever seen him act before?

7 A No. Didn't appear to be angry or anything.

8 Q Did he appear to be nervous in any way?

9 A No.

10 Q Okay. After the conversation between Judge
11 Eriksson and Judge Sloop -- I apologize. After the
12 conversation between Judge Herr and Judge Sloop, what
13 did you do next?

14 A Judge Herr and I went from the third floor up
15 the elevator to the fourth floor. I went into courtroom
16 4D, which is my assigned courtroom, at about one-thirty.
17 I believe I had a hearing, and I took care of that. It
18 didn't last real long. It was probably fifteen, thirty
19 minutes at most.

20 Came out and went in with Judge Herr, just
21 really to kill time till my next hearing, I guess, and
22 he said something about he had decided to. . . I think
23 before I went in the courtroom he said, you know, I
24 think he said he felt an obligation or he ought to do an
25 order of release or something along those lines.

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29

1 And when I came back out of court I believe is
2 when he said, I've asked the clerk to prepare some
3 paperwork to do that. And he said it's going to be up
4 here in a little bit, we'll sign it. And I didn't know
5 where the people were. I didn't know if they were
6 downstairs, at the jail, where they were, but we're
7 going to get the release paperwork in whatever form it
8 would be.

9 And I said to him, Mark, you can't do that. I
10 said, you can suggest somebody prepare it, and if the
11 proper judge wants to sign it, but you can't sign it.
12 It's not your case. I said your heart's in the right
13 place, but you can't do it.

14 And he was, Judge Herr was. . . trying to get
15 the right word. He wasn't adamant, but he was sort of
16 close to it. He was like, I'm going to do it anyway. I

17 need to do it anyway. I said, well, you can't.

18 Q When you say close to adamant, was he upset? I
19 mean --

20 A No. He was sort of focused and he was, I need
21 to do this.

22 Q I need to get these people out of jail?

23 A Yeah.

24 Q And he was concerned about doing the right
25 thing?

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1 A Yes. Well, if you call that doing the right
2 thing, he was concerned of doing it, yes.

3 Q Well, you'd agree with me that if the people
4 were misdirected to the wrong courtroom, and it was as
5 you call it, a perfect storm of mistakes to get them
6 there, then the right thing would have been to release
7 them from jail?

8 A If Judge Sloop knew it, yes.

9 Q Okay.

10 A See, I didn't know what he knew.

11 Q I understand. You also don't know what effort,
12 if any, he made to find out?

13 A He?

14 Q Being Judge Sloop.

15 A No. No, I have no idea.

16 Q Okay. In any event, did Judge Herr agree with
17 you that he had to wait for Judge Sloop to actually file
18 the paperwork?

19 A No.

20 Q He was going to do it right then and there?

21 A Well, the paperwork had not come up so he was
22 still, in my mind, from what he said, of the opinion, he
23 was going to do it when the paperwork got there.

24 Q He was going to wait for the paperwork and then
25 he was going to order the release of all of these

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31

1 people?

2 A Well, the paperwork would have been the clerk
3 doing what we call open court minutes that would have
4 basically had the name and the case, and it would have
5 been something like ROR, and signed by the judge. And
6 the clerk would have signed it and dispersed the various
7 copies to the various places.

8 But the paperwork hadn't gotten to Judge Herr
9 and I told him, you can't do it. You can have it
10 prepared. You can help somebody else or something of
11 that nature, but when it comes, you don't have the
12 authority. It's not your case. You should not do that.

13 So then after however long that was, not real
14 long, I went back into my courtroom for my next hearing.
15 Two, two-fifteen, something like that and again it
16 wasn't a very long hearing. I came out and went into
17 Judge Herr's again. . . and he said the paperwork is on
18 its way, I believe. He said it should be here any
19 minute.

20 And I said, well, it's not your case. You
21 shouldn't be signing anything. Maybe take it and see if
22 you could get John to sign it and say, here it is if you

23 want to or something. And Judge Herr started to soften
24 in his position about, well, maybe I'm right. Judge
25 Eriksson is right. And maybe Judge Herr should not sign

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32

1 it because it wasn't his case and maybe he'd see if John
2 wanted to sign it, John Sloop.

3 So within just a couple minutes, the clerk came
4 into, or came to the doorway of Judge Herr's office with
5 a stack of papers, and I'm not sure if she came in and
6 Judge Sloop came right behind her, or if Judge Sloop had
7 come in first and she came with the paperwork to the
8 door almost following him, but it was, it was almost a
9 bam, bam. And I can't tell you which came first or
10 second.

11 But when it became known almost immediately,
12 and I don't know if it would have had to have been Judge
13 Herr say, well, I've prepared, gotten the clerk to
14 prepare a release paperwork and I don't know if he said
15 something else along the lines of I'm going to sign it
16 or I want you to or you need to reconsider something,
17 but John immediately said, well, I'm going to sign the
18 release. These people don't need to stay in or
19 something along those lines.

20 It was very obvious from his demeanor, give me
21 the paperwork, I need to get these people out, or I'm
22 going to get these people out, whether it's a need or
23 what, I'm going to. And he immediately started
24 signing.

25 Q And that was around three o'clock, two-thirty,

1 three o'clock?

2 A I think it would have been more like
3 two-fifteen, two-thirty. I can't be certain.

4 Q Okay. Do you have, do you know what happened
5 with the orders right after that?

6 A No.

7 Q Okay. How do you handle arrests of people who
8 don't respond at docket call?

9 A You mean arraignment?

10 Q Arraignment.

11 A 1A there?

12 Q Uh-huh.

13 A I had always told the clerk, let's see how I
14 tell you this. I have a docket, it's many pages. I
15 don't go through the docket and call the cases
16 alphabetically or anything like that. I take cases in
17 categories after I give an opening statement about all
18 the rights and explain arraignments and everything. I
19 then take categories and I do the thefts and bring all
20 those up and explain what theft etcetera is, finish
21 those however they're going to move along. And then I
22 do the next categories, all the way through. And then I
23 take, all right, everybody that I haven't done in a
24 category, form a line, I'll finish you. And these are
25 the ones that are the real odd stuff like attaching tag

1 not assigned, possession by a minor of alcohol, a
2 worthless check, just the odds and ends, so to speak.

3 when they're done, I then have a stack of files
4 left because those people haven't shown up. I flip
5 through them and if the person's represented by an
6 attorney, I tell the clerk, here's their pretrial date
7 and time, etcetera, and finish those files. And if
8 they're not represented and they haven't shown up, I
9 generally look and see that this was their return date
10 and time, and I issue a warrant or tell the clerk issue
11 a warrant, estreat the present bond, new warrant with
12 whatever amount of bail.

13 And then what happens is the clerk inputs all
14 that in the computer and it's printed out over night and
15 some time the next day that's presented to my office,
16 presumably I sign them that day sometimes or maybe I
17 won't get them till the next day or two. They have a
18 form that it prints out on.

19 Q Do you ever call the name, do you ever follow
20 the practice of calling the name of the person out loud
21 and after they don't appear immediately issuing a bench
22 warrant at an arraignment?

23 A I don't think I ever have.

24 Q One last question along this lines.

25 A And the reason is, if you want to know.

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1 Q Yeah.

2 A Invariably the person will come in an hour

3 later.

4 Q One question, one more question along this line
5 and then I want to ask you a second about Judge Sloop's
6 character and experience, etcetera.

7 But during the time period that you found out
8 that Judge Sloop had issued the arrest, issued warrants
9 for the arrest and the people had been processed and
10 sent to jail, didn't you both think and say to other
11 people that this was wrong?

12 A I believe I did.

13 Q And you still think that to this day?

14 A Oh, I think every time judges have done it is
15 wrong. He's not the first. I mean, it was a practice
16 downtown by some of the judges.

17 Q Which? Of ordering people in the wrong
18 courtrooms to jail? I don't think so.

19 A No, no. People that show up in the courtroom a
20 few minutes late.

21 Q Oh, okay. When I'm talking about this is, when
22 you made the comments, this is wrong, this is clearly
23 wrong, I was talking about the arrest of these people
24 who --

25 A Okay.

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36

1 Q -- clearly were in mass there because they were
2 in the wrong place?

3 A I wasn't speaking so much of what John did at
4 the time he did it was wrong. I was talking again in
5 terms of the perfect storm. Here are some people who

6 got up that morning and said, well, I'm going to go
7 down to the courthouse. I've got a traffic ticket or
8 something and they fully were expecting they were going
9 to go to court, conclude their case, go home. They're
10 going to go to court, get it continued to have an
11 attorney or whatever, but they weren't going to have
12 that happen. They were not expecting the perfect storm
13 to hit because it was through no fault of their own.

14 It was a variety of forces and probably none of
15 them realized what the other was going to be, but it was
16 when they all hit, that's what happened. That's what I
17 meant about this is wrong in terms of these people sure
18 weren't expecting this to be happening.

19 Q And they sure shouldn't have been arrested on
20 that day?

21 A Now, it depends on how you mean that.

22 Q Okay. They shouldn't have been sent to jail
23 when they were clearly misdirected through no fault of
24 their own to the wrong courtroom?

25 A They should not have expected to go to jail if

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37

1 they didn't show up and the person that had them
2 arrested, didn't know it, I can't say that's wrong.

3 Q Okay. And if the person had been told not
4 once, but several times, it's a problem?

5 A I don't think that's my call.

6 Q Okay. With regard to Judge Sloop's experience
7 on the bench, you think he's a good judge?

8 A Yes.

9 Q You think he's still fit to be a judge?
10 A As far as I know.
11 Q You think that he is, if there's a problem here
12 in terms of him not listening to the people who told
13 him, if I present evidence that he was told several
14 times, not once, that these people were in the wrong
15 place at the wrong time through no fault of their own,
16 you think notwithstanding all of that, he would be
17 rehabilitatable?
18 A I don't know if that's my call. I don't know
19 that any reason he wouldn't.
20 Q Okay. I'm just trying to find, as somebody who
21 is a colleague of him, you still have respect for him?
22 A I do.
23 Q And have you been asked to testify as a
24 character witness on his behalf?
25 A No.

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38

1 Q Do you have an opinion as to his character?
2 A Yes.
3 Q And what is it?
4 A He is a very focused, work-oriented individual.
5 Q Tries to do what's right?
6 A Yes.
7 Q You would consider this event on this
8 particular day to be an aberration as opposed to
9 standard practice?
10 A I don't know of it being a standard practice.
11 what I mean by that is we're all in different

12 courtrooms. I'll have people sometimes that I'll run
13 into and they'll say, how is Judge So and So and I'll
14 say, you know, it's funny we're in the same building,
15 but I never see him.

16 MS. ROSS: Okay. Let's take a two second
17 break, and let me go off the record.

18 (Whereupon, a brief pause was had.)

19 CROSS-EXAMINATION

20 BY MR. LUBET:

21 Q Judge, getting back to the same question you
22 were just asked. Aside from this bad incident that
23 obviously went awry everywhere, do you believe that
24 Judge Sloop is fit to sit on the bench?

25 A As far as I know he is.

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39

1 Q Do you have any reason to believe that if he
2 had to have some sort of counseling or sensitivity
3 training or counseling of anger management or whatever,
4 do you believe that he would be, continue to be a judge
5 that you would be proud to sit next to?

6 A I don't know of any reason I wouldn't.

7 Q Okay.

8 MS. ROSS: Thank you.

9 MR. LUBET: That's all I have.

10 MS. ROSS: Thank you for appearing today.

11 MR. LUBET: Thank you very much, Judge.

12 MS. ROSS: Read or waive?

13 JUDGE ERIKSSON: I'll waive. I trust her.

14 (Whereupon, the deposition was terminated at

15 6:00 p.m.)

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1 CERTIFICATE OF OATH

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4 STATE OF FLORIDA
5 COUNTY OF SEMINOLE

6

7 I, the undersigned authority, certify that
8 RALPH E. ERIKSSON personally appeared before me
and was duly sworn.

9

10 Witness my hand and official seal this 17th day
of May, 2005.

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JUNE M. BUFFORD, RPR
NOTARY PUBLIC - STATE OF FLORIDA
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CERTIFICATE OF REPORTER

STATE OF FLORIDA
COUNTY OF SEMINOLE

I, JUNE M. BUFFORD, Court Reporter, certify that
I was authorized to and did stenographically report the
deposition of RALPH E. ERIKSSON; and that the transcript
is a true and complete record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative,
employee, attorney, or counsel of any of the parties, nor am
I a relative or employee of any of the parties' attorney or
counsel connected with the action, nor am I financially
interested in the action.

Dated this the 17th day of May, 2005.

JUNE M. BUFFORD, RPR

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